



**MINUTES OF THE RECONVENED 56TH ANNUAL GENERAL MEETING OF PERTUBUHAN  
AKITEK MALAYSIA, HELD ON SATURDAY, 23 APRIL 2022, AT 10.00 A.M. AT PAM  
CENTRE, 99L JALAN TANDOK, BANGSAR, 59100 KUALA LUMPUR, MALAYSIA**

**Present**  
**Corporate**

1. Ar Datuk Ezumi Harzani Ismail (Chairman)
2. Ar. Abu Zarim bin Abu Bakar
3. Ar. Abdul Halim bin Suhor
4. Ar. Adrianta bin Aziz
5. Ar. Ahmad Fahmy bin Mohd Omar
6. Ar. Ahmad Farik bin Abd Ghaffar
7. Ar. Ahmad Najib bin Ariffin
8. Ar. Ahmad Ridha bin Abdul Razak
9. Ar. Aimi Ramizah binti Roslan
10. Ar. Almaz Salma binti Abdul Rahim
11. Ar. Ang Chee Cheong
12. Ar. Azizul Azwar bin Abd Aziz
13. Ar. Chai Si Yong
14. Ar. Chiam Chin Yong
15. Ar. Choo Heng Huat, Daniel
16. Ar. Chung Pui Gin
17. Ar. Dexter Koh Yew Peng
18. Ar. Erdayu Os'hara Omar
19. Ar. Erman bin Abdul Razak
20. Ar. Tan Sri Esa bin Haji Mohamed
21. Ar. Goo Huey Kiam
22. Ar. Hoi Jung Wai
23. Ar. Koh Cheng Chee
24. Ar. Lee Tee, Anthony
25. Ar. Leong Pek Lian, Alice
26. Ar. Leow Kwong Choon
27. Ar. Lillian Tay Wai Fun
28. Ar. Lim Eam Hooi
29. Ar. Lim Hai Seah, Alvin
30. Ar. Lim Kheng Loy
31. Ar. Lim Pay Chye
32. Ar. Lim Teng Ngiom
33. Ar. Mohd Azli Mohamad Jamil
34. Ar. Mohd Hisham bin Saihari
35. Ar. Dato' Haji Muharram bin Adja Radjeman
36. Ar. Mumtazah binti Mustajab
37. Ar. Datuk Nafisah Radin
38. Ar. Norzakiah binti Arshad
39. Ar. Sacha Ramlan Noordin
40. Ar. Saifuddin bin Ahmad
41. Ar. Sarly Adre bin Sarkum
42. Ar. Shafik bin Kamarulzaman
43. Ar. Tan Kwong Chong
44. Ar. Tan Meng Hooi, Joseph
45. Ar. Teh Yee Neng
46. Ar. Teoh Wui Leng, David
47. Ar. Thirilogachandran a/l Shanmugasundaram
48. Ar. Yeang King Mun
49. Ar. Yek Tak Wai, David
50. Ar. Yong Chee Keat
51. Ar. Dato' Zulkhairi bin Md Zain

**Graduate**

1. Muhammad Taufiq bin Nazarudin
2. Vishaljeet Singh a/l Gursharan Singh
3. Wan Siti Hajar binti Omar
4. Zul Azri bin Abdullah

**In attendance**

1. Zarina Ibrahim Executive Secretary
2. Victor Koo Group Internal Auditor
3. Nor Suryati Sulong Project Executive

**INTRODUCTION**

The 56th PAM Annual General Meeting (AGM) was reconvened on 23 April 2022, at 10.00 a.m. at PAM Centre, 99L, Jalan Tandok, Bangsar, 59100 Kuala Lumpur, Malaysia following the AGM called on 16 April 2022 attended by 43 Corporate Members did not garner sufficient quorum of 62 Corporate Members.

Ar. Datuk Ezumi Harzani Ismail, PAM President and Chairman of the AGM, announced at 10.30 a.m. that there were 46 Corporate Members and 4 Graduate Members present. Pursuant to Clause 7.8, these

Corporate Members present at the adjourned meeting shall constitute a quorum, and he called the meeting to order. He thanked all present for attending the AGM on a Saturday for the second time.

The Chairman informed the meeting that Council had appointed Ar. Lim Pay Chye as the Election Officer and Ar. Haji Abdul Halim Suhor as the Deputy Election Officer for the Council term 2022-2023 Elections. The Chairman invited 3 Corporate Members to volunteer as scrutineers for the verification of the results from the PAM Election website. The scrutineers were Ar. Ahmad Ridha Abdul Razak, Ar. Chong Pui Gin and Ar. Joseph Tan Meng Hooi.

The Chairman then proceeded with the Agenda of the 56th PAM Annual General Meeting as follows:

## **1.1 CONFIRMATION OF MINUTES OF THE 55th ANNUAL GENERAL MEETING HELD ON 24th APRIL 2021**

The Minutes of the 55th Annual General Meeting held on 24 April 2021 were confirmed as correct records of the AGM, as proposed by Ar. Tan Sri Esa Mohamed and seconded by Ar. Lim Eam Hooi, subject to the following corrections:-

### **1.1.1 Pages 2 and 3, items 1.2.1, 1.2.2 and 1.2.3:**

To record the names of the persons who submitted each of the resolution, as follows:

1.2.1 Page 8, Item 6.1, Resolution 1: To establish PAM Investment Committee responsible for monitoring the investment management policies of PAM and its subsidiary companies' assets in accordance with the objectives of the Institute and the provisions of PAM Constitution – **resolution submitted by Datuk Ar Ezumi Harzani Ismail.**

1.2.2 Page 10, item 6.3, Resolution 3: To approve a resolution for PAM Council to study and to take necessary actions to transform GreenBuildingIndex Sdn Bhd (GSB), a company majority owned by Pertubuhan Akitek Malaysia (PAM) into a foundation – **resolution submitted by Datuk Ar Ezumi Harzani Ismail.**

1.2.3 Page 13, item 6.4, Resolution 4: To call for members to vote at the AGM for PAM President and all Council Members to make sworn declarations NOT to use their positions in PAM to promote their own practices and personal interests. In the event that they breach this declaration intentionally or otherwise, they have to resign from the PAM Council – **resolution submitted by Ar Abu Zarim Abu Bakar.**

### **1.1.2 Page 4, item 2: Reports – To receive the Annual Report of the Council for 2020-2021**

Item 1, fourth para, fourth sentence to be amended so that it reads as follows:

“Ar. Lillian Tay stated that ~~the Committees' Annual Report for the PAM Council meeting was prepared by the PAM Secretariat and it did not show the number of meetings that were held in the Council Meeting, the number of monthly meetings of each of the Committees to be reported to Council.~~”

## **1.2 MATTERS ARISING FROM THE MINUTES OF THE 55th ANNUAL GENERAL MEETING HELD ON 24<sup>th</sup> APRIL 2021**

### **1.2.1 Page 3, item 1.2.2: Task Force on Study to Transform Greenbuildingindex Sdn Bhd (GSB) into a foundation**

#### **- Objection from ACEM to the proposed changes of GSB Constitution**

The Chairman reported that he, as PAM President and the Chairman of the GSB Board of Directors, had reported at the 6th meeting of PAM Council 2021-2022 on 28 October 2021, that there was an objection from ACEM on the amending of GSB Constitution to state that GSB is a non-profit organisation that was agreed by PAM in the previous Council meeting and at the 55<sup>th</sup> AGM on 24 April 2021. Therefore, there will be no change in the GSB Constitution.

He added that, in response to ACEM's request for GSB to declare dividends, GSB had written to ACEM in August 2021 to inform that there will be no declaration of dividend. In the same letter GSB proposed to amend the GSB Constitution to reaffirm the Company's position as a not-for-profit organisation and to propose a Management Fee payment to the Institutions

represented by the directors in the Company to recognise that both shareholders have representatives in the Company whom are providing management service and were responsible for the overall operations of the Company. An amount of RM10,000 per month was proposed to be shared 60:40 between PAM and ACEM.

### 1.2.2 Page 4, item 2: Reports – To receive the Annual Report of the Council for 2020-2021

Ar Ang Chee Cheong read out from a written report that he later submitted to the PAM secretariat, his response to the items 1 and 2, as follows:

Response to Comments from the floor

(ref: pp 04, Minutes of the re-convened 55th PAM AGM, 24 April 2021- issued April 2022)

Item 1

With regards the comments by Lillian Tay (immediate Past President) on the number of meetings the Awards and Competition Committee convened, affirmed by Dexter Koh (Hon Sec and AC committee co-chair), I am happy to reply that they are both wrong!

In fact, we had TWO meetings, and with the ongoing CMCO and national Emergency, we, like all other committees, conducted meetings and discussions on our Whatsapp group chat and on Zoom online meetings (which went un-recorded by the Project Officers). As Committee chair, this seemed sensible and unremarkable enough for comment. What I do want to highlight is that we had a full and extensive programme, and during those early meetings, everything was outlined, organised and ready to be implemented. This is the way all my PAM projects functioned - work more, less meetings! And I on behalf of the committee am very proud of the way we handled our tasks. Despite the shortened council term, we had successfully launched, executed and completed the following:

- PAM Awards 2021
- PAM Student Awards 2021: Silver & Bronze Medals
- PAM Gold Medal & PAM Kington Loo Medal, 2021
- MRT Corp RTS Link Station Façade Design
- PAM Awards 2020 commemorative publication
- Review and improvement of the Gold Medal/Kington Loo Medal rules & conditions.

In addition, the committee also inherited the previous committees uncompleted programmes which were finalised during our term.

I wish to add that the ‘alleged’ lack of committee meetings was never raised at the Council meetings, which I have attended all, ironically with an attendance record better than Lillian’s. And at each council meeting, I had dutifully presented a report as the records will show. Interestingly, from the 2020-2021 annual report, I note Lillian’s attendance at the Promotion of Profession Committee was only 2 out of 7!

The AC committee was staffed with two PAM project officers. We are a small group, with me as Chair, Husam Fatah Haron and Dexter Koh the co-Chairs as its only members. Indeed, if any member or council or committee member required any information, they could simply check with the project officers, attend the online meetings, check the Whatsapp group or call. Hence Dexter Koh’s unfair characterisation to Tan Loke Mun at the AGM that “coordination was a one-man show” must simply be his personal opinion and unfortunate.

On the second, more mischievous insinuation by Lillian, she questioned “the decisions allegedly made by Committee” but did not specify what they are, I would like to clarify that in theory, there are NO decisions made by the committee. PAM Council make the decisions on all matters based on committee reporting. A review of the committee reports and council minutes will demonstrate the council mechanism. I can only advise that if one is unhappy with the collective correct decisions made by Council, fashioning another argument at the AGM is merely wanting a second bite of the cherry!

I hope the above clarifies Item 1 for all members. Item 1 concludes with Lillian charging that the conduct of the 2020-2021 committee Chairman (me!) was “questionable and should be subject to an enquiry”, to which I simply say that I am ready and I welcome it.

#### Item 2

With regards to the request by Tan Loke Mun (past president) for full disclosure of the Convener’s fees for the competitions conducted by the Awards and Competitions Committee, firstly I would like to inform the floor that details of the agreements between PAM and external organisations & parties are protected by non-disclosure agreements. It will be up to Council to break confidentiality and assess if these discussions will give comfort to future collaborators for projects. Nevertheless, as Loke Mun has insinuated that they may be some element of impropriety, I am moved to answer here.

On the matter of fees for Conveners, here is the full list of competitions and awards conducted during term 2020-2021.

- PAM Awards 2021

Convener: Ar Husam Abdul Fatah Haron, Deputy Convener: Ar Mazlin Mohtar – NO FEE

- PAM Student Awards 2021: Silver & Bronze Medals

Convener: Ar Adrianta Aziz, Deputy Convener: Ts Idris Taib – NO FEE

- PAM Gold Medal & PAM Kington Loo Medal, 2021

Convener: Ar Ridha Razak, Deputy Convener: Ar Chris Yap – NO FEE

- MRT Corp RTS Link Station Façade Design

Convener: Ar Ang Chee Cheong, Deputy Convener: Ar Husam Fatah Haron – NO FEE

Note: The Penang South Island was not a project of this committee.

While there were no fees paid to the conveners, I would like to inform that we representing the committee had negotiated an improved fee for PAM to conduct the competition and also the highest prize money at that point.

On Loke Mun’s other opinions about how and what a Convener or any other appointed person should be remunerated, as I am no longer in charge of these matters, I am not in a position to comment as it is the purview of Council. But personally, I find the comments simply misguided and misinformed.

On this and to all items raised, on behalf of the AC committee, and also the MAP committee, I have no hesitation to say that we had successfully completed all our work and tasks effectively, correctly and honestly, and I am proud of the efforts of the committee, its members, project officers and all the conveners and collaborators.

## **2.0 REPORTS - To receive the Annual Report of the Council for 2021 - 2022**

A copy of the Annual Report 2021-2022 had been circulated to all members and the hard copy is also available at the AGM. Additionally, President Ar. Datuk Ezumi reported on the key activities of 2021-2022 as follows (a copy of the additional presentation is available upon request):

- Berita Akitek
- TWGDCCP – OSC
- PAM – BOMBA Collaboration
- Procedure on the Application for Approval of Pelan Pemajuan
- Appeal for Clear Guidelines for Transport Oriented Development
- Relation between Chicken Price and Regulations Complexity for Modernising Poultry Farm Buildings
- PAM Professional Practice Committee – Practice Bureau, Professional Practice Forum and Practice Notes
- Professional Practice Course
- Scale of Fees Issues
- Survey on Perception of Clients on architects
- Launch of ARcover
- Architectural Design Competitions

- Conferment of PAM Gold Medal 2021 to Dato' Ar Lai Lok Kun
- 50% reduction of PAM Membership subscription fees
- Strengthening PAM Chapters
- PAM Income and Expenses FYE 2021

The Honorary Secretary Ar Thirilogachandran a/l Shanmugasundaram reported on the Honorary Secretary 2021-2022 Report (pages 12 and 13 of the Annual Report 2021-2022) as follows:

- Membership Database
- Staff Matters
- Representation by PAM Reps on the Human Resource Development Corporation (HRD Corp) Industry Expert Committee
- Status of the Sale of ACEM's Shares in Greenbuildingindex Sdn Bhd
- Disciplinary Guidelines
- PAM Secretariat in the New Normal
- Amendments to PAM Byelaws "Virtual Participation at General Meetings"
- Kuala Lumpur HighCourt suits filed by Datuk Sundra Rajoo against PAM.

The AGM accepted the Annual Report of the Council 2021-2022, as proposed by Ar. Lim Pay Chye and seconded by Ar. Ahmad Farik bin Abdul Ghaffar.

### **3.0 ACCOUNTS - To receive, and approved, to pass the accounts for the year ended on 31st December 2021**

The Honorary Treasurer, Ar. Alice Leong Pek Lian reported that PAM together with its subsidiaries had a challenging financial year in 2021 due to the pandemic, with the Group reporting a deficit of RM1,664,107, as shown in Table 1.0 as compared to the previous year.

PAM had a deficit of RM211,237 in 2021 compared to a deficit of RM707,556 in 2020. The deficit is attributed to the 50% discount given for membership subscription fees with the value of approximately RM0.6million. In contrast for 2020, PAM received full membership subscription income with minimal activities expenses during the Movement Control Order.

PBSB recorded a net loss of RM760,538 for the year 2021, compared to RM1,149,048 net loss for 2020. The main factor contributing to the deficit over the last two financial years was the postponement of ARCHIDEX 2020 and 2021 exhibition and also the postponement of Kuala Lumpur Architecture Festival (KLAF) 2020 and 2021 activities and events. The reduced deficit was possible due to the a surplus of RM124,049 derived from the publication of the Architecture Malaysia (AM) magazine and rental income of RM36,242 from PBSB's property in Kuching, Sarawak. There was also a surplus of RM157,723 from the management of PAM Centre as compared to a deficit of RM120,504 in the previous financial year.

PEF reported a deficit of RM711,318 in 2021, however, the deficit was mainly made up of depreciation of Fixed Assets (PAM Centre and Chapters' premises) amounting to RM503,742. The deficit is higher compared to the previous year without rental income from PBSB since April 2020.

PTPAM's revenues and activities from their various programs increased significantly from RM3,200 in 2020 to RM317,734 in 2021. However, due loss on disposal of subsidiary ACSB shares amounting to RM124,889, PTPAM maintained a loss of RM20,725 in 2021 as compared a loss of RM58,471 in 2020. Without the disposal, PTPAM's profit would have been RM145,614.

ACSB income derived from Building Inspections and Building Inspection Training Courses which contributed a profit of RM39,711 in 2021, slightly lower than 2020 with reported profit of RM60,026. The pandemic has impacted the industry and its repercussion to be seen over the year. This has also affected Architect Centre significantly and all company in the same predicament.

The Honorary Treasurer concluded that overall, although PAM as a Group in 2021 reported a deficit, the financial and cash position remained strong. PAM to ensure continuation of efforts to

secure incomes, programs and activities in the future. PAM to also remain prudent in its expenditures for the year 2022.

The AGM received, approved, and passed the PAM accounts for the year ended 31st December 2021 as proposed by Ar. Lim Pay Chye and seconded by Ar. Ahmad Farik bin Abdul Ghaffar.

#### **4.0 ELECTION OF OFFICE BEARERS AND COUNCIL MEMBERS FOR 2022 - 2023**

The Election Officer 2022, Ar. Lim Pay Chye, thanked Council for his appointment as the Election Officer and on behalf of Ar. Haji Abdul Halim Suhor as the Deputy Election Officer. He added that the three Scrutineers had vetted the results of the elections of Office Bearers and Ordinary Members of Council for 202-2023 and proceeded to announce the election results as follows:

- 4.1** For the election of President 2022-2023:  
Ar. Abu Zarim Abu Bakar received 167 votes;  
Ar. Sarly Adre bin Sarkum received 296 votes;  
Ar. Sarly Adre bin Sarkum was declared as the President.
- 4.2** For the election of Deputy President 2022-2023:  
Ar. Alice Leong Pek Lian received 253 votes;  
Ar. Alvin Lim Hai Seah received 205 votes.  
Ar. Alice Leong Pek Lian was declared as the Deputy President.
- 4.3** For the election of Vice President 2022-2023:  
There was no contest and Ar. Adrianta Aziz was declared as the Vice President.
- 4.4** For the election of Honorary Secretary 2022-2023:  
Ar. Dexter Koh Yew Peng received 275 votes;  
Ar. Thirilogachandran a/l Shanmugasundaram received 182 votes.  
Ar. Dexter Koh Yew Peng was declared as the Honorary Secretary.
- 4.5** For the election of Honorary Treasurer 2022-2023:  
There was no contest and Ar. Erdayu Os'hara Omar was declared as the Honorary Treasurer.
- 4.6** For the election of not more than 13 Ordinary Members of Council 2022-2023, the following 13 candidates were declared as the Ordinary Members of Council 2022-2023 as there was no contest:
1. Ar. Abu Zarim bin Abu Bakar;
  2. Ar. Aimi Ramizah Roslan;
  3. Ar. Daniel Choo Heng Huat;
  4. Ar. Anthony Lee Tee;
  5. Ar. Alvin Lim Hai Seah;
  6. Ar. Mohd Azli Mohamad Jamil;
  7. Ar. Ng Chee Hin;
  8. Ar. Shafik bin Kamarulzaman;
  9. Ar. Tan Kwong Chong;
  10. Ar. David Teoh Wui Leng;
  11. Ar. Thirilogachandran a/l Shanmugasundaram;
  12. Ar. David Yek Tak Wai; and
  13. Dato' Ar. Zulhairi bin Md Zain;

Ar. Lim Pay Chye then announced the following as the duly elected Office Bearers and Ordinary Members of Council 2022-2023:

President	Ar. Sarly Adre bin Sarkum
Deputy President	Ar. Alice Leong Pek Lian
Vice President	Ar. Adrianta Aziz
Honorary Secretary	Ar. Dexter Koh Yew Peng
Honorary Treasurer	Ar. Erdayu Os'hara Omar
13 Ordinary Members of Council	Ar. Abu Zarim bin Abu Bakar Ar. Aimi Ramizah Roslan

Ar. Daniel Choo Heng Huat  
Ar. Anthony Lee Tee  
Ar. Alvin Lim Hai Seah  
Ar. Mohd Azli Mohamad Jamil  
Ar. Ng Chee Hin  
Ar. Shafik bin Kamarulzaman  
Ar. Tan Kwong Chong  
Ar. David Teoh Wui Leng  
Ar. Ar. Thirilogachandran a/l Shanmugasundaram  
Ar. Ar. David Yek Tak Wai  
Dato' Ar. Zulkhairi Md Zain

Ar. Lim Pay Chye concluded the 2022 PAM Elections and thanked the Deputy Election Officer, Ar. Haji Abdul Halim bin Suhor, the Scrutineers, Ar. Ahmad Ridha bin Abdul Razak, Ar. Chung Pui Gin and Ar. Joseph Tan Meng Hooi, and PAM Secretariat.

The Chairman Ar. Datuk Ezumi Harzani Ismail expressed thanks to the Election Officer Ar. Lim Pay Chye and Deputy Election Officer Ar. Haji Abdul Halim Suhor for their commitment and contribution to the Institute.

**4.7** The Chairman Ar. Datuk Ezumi Harzani announced the Chapter Representatives on Council for the term 2022-2023 as follows:

- i) Northern Chapter: Ar. Leow Kwong Choon
- ii) Southern Chapter: Ar. Ahmad Farik Abd. Ghaffar
- iii) Sarawak Chapter: Ar. Chai Si Yong
- iv) Sabah Chapter: Ar. Haji Shahrman Abdullah
- iv) East Coast Chapter: (To be identified as the East Coast Chapter AGM will only be held on 30 April 2022.)

The AGM unanimously endorsed the above-mentioned Chapter representatives to PAM Council 2022-2023.

## **5.0 ELECTION OF AUDITORS**

### **5.1 To elect an Auditor**

The Chairman, Ar Datuk Ezumin Harzani reported that Messrs JB Lau Chartered Accountants has been the appointed auditor since 2015 and PAM Council had agreed to propose to retain them and re-appoint them for the next Council term. The AGM agreed for Messrs JB Lau Chartered Accountants to be re-appointed as the auditor for PAM as proposed by Ar. Lim Pay Chye and seconded by Ar. Ahmad Ridha Abdul Ravak.

## **6.0 TO TRANSACT ANY OTHER BUSINESS FOR WHICH DUE NOTICE HAS BEEN GIVEN IN ACCORDANCE TO THE RULES**

There were no matters of business submitted.

## **7.0 ANY OTHER MATTERS**

### **7.1 Letter from Ar Mustapha Kamal Zulkarnain and Ar Almaz Salma Abdul Rahim dated 31 March 2022**

Honorary Secretary read the letter from Ar Mustapha Kamal Zulkarnain and Ar Almaz Salma Abdul Rahim dated 31 March 2022, as follows:

***“REQUEST FOR A RESOLUTION TO BE INCLUDED FOR DELIBERATION AT THE ANNUAL GENERAL MEETING AGENDA OF PERTUBUHAN AKITEK MALAYSIA (PAM) ON 16 APRIL 2022***

*This notice is hereby given to the Honorary Secretary of Pertubuhan Akitek Malaysia to include the following resolution in the agenda of the upcoming PAM Annual General Meeting on 16<sup>th</sup> April 2022.*

### RESOLUTION

*The purpose of this Resolution is for members to hear explanation from:*

*Ar Abu Zarim Abu Bakar being the Chairman of the Constitution Review Committee, and Ar Thirilogachandan, being the Honorary Secretary,*

*being charged with the duties to implement virtual General Meetings for PAM, as to why 2 years later and 3 no. Annual General Meetings after the onset of the pandemic, that they have failed to make the necessary amendments to the PAM Constitution and Bye-Laws in reasonable time to enable this 55th Annual General Meeting and Extraordinary General Meeting (EGM) on 16th April 2022 to be held virtually to allow PAM members, especially in chapters outside of Kuala Lumpur, to vote on the important matters tabled for this EGM.*

### BACKGROUND

*In 2020, due to the Covid-19 Pandemic, the PAM AGM was postponed from April 2020 to August 2020 due to the requirements in the PAM Constitution at the time that only allowed for physical meetings. A request was made for the PAM Constitution to be amended to allow for the option for future General Meetings of the Institute to be held virtually.*

*As a result, the PAM Constitution was amended through an EGM held on 24 April 2021 to create such provisions within the PAM Constitution with the understanding that Council will pass the requisite changes to bye-laws and ensure that the necessary mechanisms are in place for Virtual meetings to be held. The mechanisms were to enable any member to participate virtually, with attendance recorded for purposes of quorum, and for participating members to vote on any resolution tabled during the General Meeting.*

*It is disappointing that the 56th PAM AGM will not be held as a fully enabled virtual meeting and will be held instead as a physical meeting at PAM Centre in KL.*

*Their failure to ensure the implementation of virtual AGM and EGM will impose unnecessary time, expense, and inconvenience to members especially in Chapters, to have to travel to Kuala Lumpur to participate and vote on the forthcoming matters affecting the Chapters that will be raised at the EGM.*

*In addition to the said disregard to Chapter members, this physical AGM and EGM may cause unnecessary crowding and health risks amid the current Omicron wave. Adopting new technology to be more efficient is no longer a luxury but a requirement to ensure fair and equitable representation for all members of PAM especially those in our Chapters located in other states.*

*After 11 months in office, what actions have the Office Bearers specifically responsible for these reforms, namely Ar. Abu Zarim Abu Bakar, Chairman Constitutional Review Committee/Deputy President and Ar Thirilogachandan, Hon Secretary / Chairman Secretariat & Finance taken to enable virtual meetings? Their failure to implement virtual meetings by now reflects poorly on PAM when other professional institutes such as IEM, ISM, MIP, ILAM and even ACAM, have already successfully implemented virtual AGM and EGM as early as 2020.*

*We request for **Ar Zarim Abu Bakar**, and **Ar Thirilogachandran** to explain to the 56<sup>th</sup> AGM on 16<sup>th</sup> April 2022 why they have failed to implement virtual General Meetings and when it shall finally be in place.*

*Signed by Ar Mustapha Kamal Zulkamain, PAM Fellow Member (F92) and Ar Almaz Salma bt Abdul Rahim, PAM Fellow Member (F102).”*

Ar Thirilogachandran commented that the contents of the letter is not a resolution whereby a resolution is a matter which requires a decision, however, it is a request for explanation from Ar Abu Zarim, Chair of Constitution Review Committee and Ar Thirilogachandran, Honorary Secretary. He said that he had already explained on the matter in the Honorary Secretary Annual Report 2021-2022. He added that there seemed to be an accusation that for two and a half years



nothing has been done. He clarified that the amendments to the Constitution to allow for virtual participation had already been passed at the last EGM in April 2021 and approved by the Registrar of Societies in October 2021, and subsequently the Committee worked on the Byelaws to support the amendments of which was finally approved by Council on 25 February 2022 for circulation to members on 1 March 2022. By 31 March 2022, there was no objection to the proposed Byelaws and therefore approved by members and adopted by the Institute. At the same time, the secretariat had developed with the vendor on the eVoting system to allow for the virtual participation of members at the General Meetings of PAM. Ar Thirilogachandran concluded that the matter on virtual participation at the General Meetings of PAM had been followed through and he expressed surprise that the matter is only brought up during the elections. Furthermore, he highlighted that he was not in Council last term 2020-2021 and if anything needed to be done it should have been done then, so it is not true that nothing has been done for two and a half years.

Ar Thirilogachandran added that it was contended in the said letter that IEM, MIP, ACAM have conducted online AGM, however, he had checked their respective Constitution and Byelaws, and to date, their respective Constitution and Byelaws do not have clauses that allow for online meeting. PAM has clear clauses in the Constitution and Byelaws on how to conduct and voting in a virtual meeting. Other than PAM, REHDA was the only other association that has clear clauses in their Constitution to conduct an online meeting. Ar Abu Zarim had no further addition to Ar Thirilogachandran's explanation.

Ar Tan Sri Esa Mohamed asked why PAM could not have the virtual AGM then even though the clauses in the Constitution and By-laws have been adopted on 31 March 2022. Chairman Datuk Ezumi responded by explaining that the Constitution and By-laws stipulates that a period of 60 days is required for PAM Council to decide to allow virtual participation at this AGM, of which there was not sufficiently available when the notice of AGM was issued on 1 April 2022 for AGM scheduled on 16 April 2022 (15 days only).

## **7.2 Matter of law suits against PAM**

Ar. Goo Huey Kiam made reference to the earlier Honorary Secretary's Annual Report on the two law suits filed in the Kuala Lumpur High Court against PAM. His questions relating to the legal suits are as follows:

1. What are the risks or whatever is exposed to this sort of claim? In the event that PAM loses the law suit, what are the consequences that PAM has to bear and whether the risks will eventually expose the subscription fees that PAM members have been paying for the past 20 years.
2. In the event PAM wins the lawsuit what are the consequences or fees that PAM has to pay the legal firm. He expressed that he personally experienced the exorbitant fees that lawyers charge to represent him.
3. Did PAM address the matter seriously by disclosing to the members all matters relating to the lawsuit.
4. How to prevent this type of lawsuit in the future so that PAM as an organisation do not get sued by people, and what measures need to be taken.
5. In the event PAM loses the lawsuit, are we going to hold anyone responsible for negligence within PAM so that we are being answerable to the members.

Ar Saifuddin Ahmad commented that the matter is an ongoing case and because of this he was of the view that the AGM should not discuss the case. Ar Goo agreed that once a case is under the purview of the court, it should not be discussed, however as a member of PAM, he expressed concern on the matter in the event that the consequences are not in PAM's favour, and suggested that PAM to be prepared for it. He suggested whether PAM could call for a General Meeting amongst members to specifically discuss on the matter. He added that he received many messages and calls from professionals outside of the architectural profession enquiring about the matter.

The Chairman said although Ar Goo claimed he has received many messages from other professionals enquiring about the matter, none of the messages reached PAM. Datuk Ezumi said that was the reason why he did not respond as he did not receive any message from other professionals. He commented that, firstly, if they want to discuss about it, they should have contacted the Honorary Secretary or PAM Secretariat but not Ar Goo to enquire on the matter. Secondly, the matter as reported in the Annual Report 2021-2022, Kuala Lumpur High Court Suit filed against PAM by Datuk Ar Sundra Rajoo, who is also a PAM Member, is sufficient for PAM

members' information. If any member wishes to know more about the case, they may write to the Honorary Secretary directly. This is because there will be a Non Disclosure Agreement that the member must sign to avoid confidential information being circulated without anyone taking responsibility.

### **7.3 Contention on 'Panel of ADR'**

Ar David Yek posed a question to the Honorary Secretary, who mentioned earlier that there is no Panel of ADR in PAM, only the Panel of Arbitrators, whether this means that there is no Panel of Mediators, Adjudicators, or Experts in PAM. He contended that there is a PAM Panel of ADR. Ar David Yek then expressed agreement with Ar Goo's comments and commented that it is reported (in the Annual Report 2021-2022) that there are two litigations filed without much deliberation. He posed 2 questions to the Honorary Secretary:

- 1) Does PAM Constitution provide for arbitration services to be offered to the public and empanelment of arbitrators, and in the same token to suspend an arbitrator?
- 2) Can PAM offer services such as an arbitration appointment services to the public when it does not comply with the Constitution of PAM? He added that Section 13 of the Societies Act 1966 forbade any society organising services beyond that described in the Constitution; if so. The question is why? It is recorded in the Annual Report that the arbitration income is registered as RM106,000. So this is prima facie evidence that such services is provided by PAM.

Ar Datuk Ezumi Harzani offered to respond to the question on behalf of Honorary Secretary. He clarified that there is a provision in the PAM Contract stating that, when the two parties could not agree on the appointment of an arbitrator, the parties may refer to PAM President to appoint the arbitrator.

Ar David Yek said that assuming the above explanation is correct, does this mean that the parties' freedom to appoint an arbitrator provided in the PAM Contract overrides the rules of law. He opined that there is nothing that is above the rules of Malaysia. If one is providing services one has to abide by the Act or the law; for example if one wants to offer the services of an architect one has to be registered as an architect so what gives PAM the right to be an arbitrator appointing body. AIAC has been the default arbitrator appointing body by the Arbitration Act 2005. He questioned what is there for PAM. It is not even in the Constitution. He questioned again what right has been given to PAM to be an arbitrator appointing body. He contended that a mere freedom of contract listed in the PAM Form of Contract is actually void because it contravenes the rules of law, so PAM's entire arbitration clause in the PAM Contract is actually void.

Ar Datuk Ezumi Harzani concluded the discussion and reiterated that PAM Contract is an agreement between parties. If the parties in the PAM Contract agree to appoint a person to resolve the dispute, then it is contractually in compliance, because this is about resolving a dispute between the two parties. Similarly, if the two parties agree for PAM President to appoint another person to resolve the dispute, that complies with the requirement of the PAM Contract as well.

### **7.4 PAM Graduate Members**

Mr Taufiq Nazaruddin, on behalf of Ar Mumtazah Mustajab, Chair of CSR Committee, informed that the Graduate Committee and CSR Committee had assembled a response team in December 2021 and responded to the Hulu Langat floods. The joint Committees raised RM1,450 and expressed thanks to the members of PAM for volunteering. 140 people volunteered for humanitarian relief, a further 75 people volunteered for disaster mapping and 7 people volunteered for disaster research group. On behalf Ar Mumtazah, Taufiq urged PAM members to continue to be interested in humanitarian architectural works and further support regional resilience architecture.

### **7.5 Notice Period for Virtual Participation at a General Meeting**

Ar Lillian Tay commented that in response to the Honorary Secretary's explanation that the notice period of 60 days was required to allow for a virtual participation at a General Meeting, she suggested for Council in future to look into amending the Byelaws to reduce the notice period to, say, 21 days. Datuk Ar Ezumi agreed with Ar Lillian Tay's suggestion but instead of 21 days, he suggested 30 days. Ar Lillian Tay added that currently the election period is quite long as it is based on the postal method. With electronic system currently in place, Council should reduce the election

period. The Chairman agreed and suggested the incoming Council to look into reducing the notice period.

**7.6 Suggestion to amend PAM Constitution to include a provision to have a Panel of Arbitrators and appoint arbitrators**

Ar Lillian Tay commented that in response to Ar David Yek's concern on the PAM Constitution not having a provision to appoint arbitrators, she suggested that it is prudent to include a provision to have a Panel of Arbitrators and appoint arbitrators in the PAM Constitution under the powers and objectives of PAM, so that there is no doubt in the industry outside that PAM shall also has the right to have a Panel of Arbitrators and appoint arbitrators for matters relating to PAM Contract or even outside PAM Contract.

**7.7 Attendance Issue**

With reference to the response by Ar Ang Chee Cheong on the attendance issue, Ar Lillian Tay added that her comments on the attendance issue was not frivolous. Her concern was raised not about what was done but about how it was done.

**8.0 Closing remarks**

The Chairman, Ar. Datuk Ezumi Harzani thanked all members for their support while he was the President and congratulated the incoming Office Bearers and Council Members. Before ending the meeting he invited the incoming President, Ar Sarly Adre Sarkum to address members at the AGM.

Ar Sarly expressed his thanks to members for their support, and added that he felt humbled and pleasantly surprised by the support from members. Although winning the election for the post of President is a point of celebration, he felt that it is a heavy burden. He expressed hope that members will support him and work together to create a new environment and improve the profession.

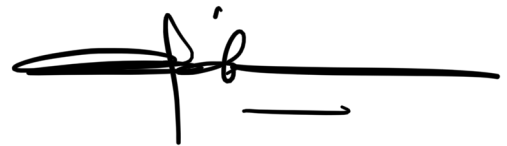
The AGM ended at 12.00 p.m.

Approved by:



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Ar. DATUK EZUMI HARZANI ISMAIL  
President 2021-2022

Prepared by:



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Ar. S. THIRILOGACHANDRAN  
Honorary Secretary 2021-2022